

**Ravalli County Planning Board  
Meeting Minutes for May 17, 2006  
3:00 p.m.  
Commissioners Meeting Room, 215 S. 4<sup>th</sup> Street, Hamilton, Montana**

**Public Hearing**

Bundy Variance Request for Future Hamilton Heights, Block 17, Lot 2A, AP Minor Subdivision  
Silverado Heights (Broadhead) Major Subdivision

**Plat Evaluation**

Squires Estates (Ede) Major Subdivision

*This is a summary of the meeting, not a verbatim transcript. A CD of the meeting may be purchased from the Planning Department for \$5.00.*

**1. Call to order**

**Dan** called the meeting to order at 3:09 p.m.

**2. Roll Call** (See Attachment A, Roll Call Sheet)

(A) Members

Ben Hillicoss (present)  
Dan Huls (present)  
JR Iman (absent-unexcused)  
Frankie Laible (absent-excused)  
Roger Linhart (absent – excused)  
Chip Pigman (present)  
Les Rutledge (present)  
Lori Schallenberger (present)  
Gary Zebrowski (present)

(B) Staff

Benjamin Howell  
Karen Hughes  
John Lavey  
Tristan Riddell  
Renee Van Hoven  
Jennifer De Groot  
James McCubbin

**3. Approval of Minutes**

**Dan** asked if there were any corrections or additions to the minutes from May 3, 2006. **Jennifer** said that Susan Key from the Bitter Root Water Forum requested a few minor changes to the minutes. The minutes were approved with changes by Staff.

**4. Amendments to the Agenda**

There were none.

## **5. Correspondence**

There was none.

## **6. Disclosure of Possible/Perceived Conflicts**

There were none.

## **7. Public Hearing**

### **(A) Bundy Variance Request for Future Hamilton Heights, Block 17, Lot 2A, AP Minor Subdivision**

(i) Staff Report on the Variance Proposal: **Tristan Riddell** gave a PowerPoint presentation. He gave an overview of the proposal and stated Staff recommended denial of the variance. He entered the Staff Report into the record. (See Attachment B, Bundy Variance Request for a Future Amended Plat of Hamilton Heights, Block 17, Lot 2A Staff Report)

(ii) Three Minute Rule Waivers

There were none.

(iii) Public Comment on the Subdivision

(a) Persons in Favor

**Steve Powell** of Powell Surveying said that at the April 19, 2006, Board meeting, the Board recommended approval of the variance. He asked if it was fair to assess pro-rata for Lot 2A-3 since the house had been there for 11 or 12 years. He said they acquired a new permit for Lot 2A-2, but made the assumption that because they connected with Warbler, they could get an approach for Lot 2A-3. He said the Road Department has issues with limited sight distance for the new approach onto Warbler Lane. He said Honeyhouse Lane is less safe than Warbler Lane. On the Warbler Lane approach, a driver cannot see from 60 to 120 feet south of the approach, but can see farther away. On Honeyhouse, sight distance is limited to 50 feet. He handed out a sketch of a third alternative for an access for Lot 2A-3. (See Attachment C, Possible Driveway Easement for Lots 2A-1 and 2A-3) He said the easement would be 60 feet and it would be a two-lot local road. He said the travel surface width of the road in the easement would be worked out, but asked for a variance due to the longevity of the existing house.

(b) Persons Opposed

There were none.

(c) Rebuttal

There was none.

(d) Close: Public Comment

(iv) Board Deliberation on the Variance Request (from paying pro-rata on new approach)

(a) Board discussion and questions

**Les** asked if the issue has to return to the Board if the Board considers the new proposal.

**Steve** said it would not because as long as the proposal was presented during the public hearing process, it will not be new information presented to the County Commissioners.

**Les** asked why there was even a problem with Warbler Lane. He noted that both Warbler Lane and Honeyhouse Lane were approved County roads at one time. He said he was not in favor of the Lot 2A-3 paying pro-rata because the money assessed will not be used for improvements on Warbler anyway. He said Steve's new proposal seemed like a good idea because it lessens the number of accesses from two to one.

**Ben** said that although the house has been there for a long time and the residents have paid taxes, he does not believe years of taxes equate to the amount of pro-rata which should be paid. He noted that pro-rata is more like an impact fee which has to be paid up front. He noted he did not agree with Les regarding the nexus issue. He said as pro-rata is interpreted, it applied to the grader district and there is no guarantee it will be spent on that road. He liked the new alternative presented by Steve.

**Gary** said he liked Steve's new proposal and said that if the applicant requests a new access off Honeyhouse, it eliminates the need for the variance request on Warbler. He recommended that the applicant come back to the Board with the proposal off Honeyhouse and eliminate the variance.

**Renee** said what Steve presented this evening would be new information on the subdivision proposal. She said the information will be given to the County Commissioners and they will decide if it is relevant and credible and if it is new information. She said the subdivision portion of the proposal might go back to the Planning Board.

**Chip** said that the new approach is not better for the public's health and safety because the slope and sight distances off Honeyhouse are worse than Warbler. He said the applicant already has structures on the ground for two out of three lots and said they are trying to figure out how to work out access issues without taking value away from the houses. He moved to grant the variance request due to the fact that the subject lot will not induce additional use or impacts and the lot has already been occupied and in use for greater than ten years.

**Lori** seconded the motion.

**Ben** asked if anyone knew the projected pro-rata fee.

**Renee** said she did not know.

**Steve** said he estimated that it would be \$1,500 to \$3,000 per lot. He said the variance request was to see whether the lot with the existing house would be assessed pro-rata at all.

**Les** said he supported the motion.

**Chip** said the access approval is subject to the Road Department.

**Ben** asked if the Board approved the motion, would it eliminate the pro-rata share for the lot.

**Chip** said they should not charge pro-rata for Lot 2A-3 because it has an existing house and the residents have lived there for a long time. He said he doubted that if 10 years ago they tried to skirt the law by building this house. He said with the regulations current at that time, it was permissible.

**Les** asked if the reference to Warbler Lane is for the variance.

**Chip** said all they can address at this time is this particular variance.

**Ben** said there is a problem with multiple existing homes on one lot. He noted that the Board needs to treat them all the same and treat them as if they were new houses. He said that whether they subdivide before building additional houses or after, the rules and fees should be the same.

**Chip** said the rules changed after the applicant constructed the second house. He said they lived by the law at the time and then the public changed the laws. He recommended changing the subdivision regulations to say that existing homes in a subdivision should not be subject to impact fees because of their taxpayer history.

**Ben** said the Board should deal with all pre-existing homes the same.

**Les** said he agrees with Ben to a point. He would like to see the variance granted in view of the new alternative presented. He said the issue will come back to the Board the way it was formerly presented, but it will not apply if the applicant returns to the Board with this alternative. He said it was a moot point.

**Ben** said if they motion to recommend the new proposed access off Honeyhouse Lane then there is no pro-rata share. He said he is fine with that, but the motion is to approve the variance.

**Chip** said that his motion is that Lot 2A-3 will not have any additional impact fees to cover expenses because the existing house will not be producing additional impacts. He noted that impact fees are to cover additional impacts.

**Steve** said the variance request is from Section 5-4-5 (d) of the subdivision regulations for the improvement of County maintained roads. He said he is asking for no pro-rata at all for Lot 2A-3, not just for Warbler Lane.

**Renee** said she asked James and he said the variance would apply to Honeyhouse Lane or Warbler Lane because the review against the variance

criteria would be the same. She said that since the pro-rata is applied to the grader system, which includes both Warbler Lane and Honeyhouse Lane, the impacts of the variance would be the same whether the pro-rata was calculated on Warbler Lane or Honeyhouse Lane.

**Chip** said his motion is to grant a variance from the pro-rata share of the county road system because there are no additional impacts created from Lot 2A-3 because it has been in residence for 10+ years.

**Gary** said that when other lots pop up, those are new impacts. He asked who pays for the new homes. He wanted to make sure that the new lot created will pay the pro-rata fee.

**Ben** said the impact is still there, even if it started 11 years ago.

**Gary** said there are no additional impacts from the existing house.

**Ben** said they are subdividing lands and they can sell the house. He said that by the rules, they have to assess pro-rata on the lots. He said the applicant is creating a new lot, although not a new home.

**Gary** said that if the language says a new lot, then he agrees with Ben. He said if the language says a new house, then he agrees with Chip.

**Chip** said the Board has regulations and works within them. He said the question is if there will be an additional impact created on the capital facilities program and the answer is "no."

**Gary** asked if the law speaks about creating a new lot.

**Chip** said they should be practical and use common sense. He said that if an impact fee is for additional impact created, no one can say the applicant is creating more use because they drew a line on paper. He said the new lot has impact, but no additional impact was created from the existing house.

**Ben** asked for James McCubbin to come in and offer guidance.

**Lori** asked to call the vote.

(The vote was called and approved.)

**Les** asked if the Board would be able to see the issue again.

**Renee** said the Board would if the Commissioners considered the alternative access proposal new information. If the Commissioners grant an access off Warbler Lane, then there is no new information.

**Gary** asked if they could still get James at a later time to look at the issue to determine the legality of the language.

**Chip** asked if Gary wanted to ask James the legality of an impact fee.

**Gary** said he thinks the Board did an illegal interpretation of a house/lot. He noted he wanted to be within the language of the law and disagreed with the variance.

**Dan** said that the real question was whether Lot 2A-3 was creating an additional impact.

(b) Board action

(1) Review of the Variance Request against the Five Criteria

The Board did not review the Five Criteria beyond their discussion.

(2) Board Decision

The vote was called; the members voted (4-2) to approve the Variance. (See Attachment D, Bundy Variance Request for Future Hamilton Heights, Block 17, Lot 2A, AP Vote Sheet)

**(B) Silverado Heights (Broadhead) Major Subdivision**

- (i) Staff Report on the Subdivision Proposal: **John Lavey** gave a PowerPoint presentation. He gave an overview of the proposal and showed a map of other developments in the area, totaling 97 lots on 334 acres.

**Renee** added that they received a pre-application earlier that day for the FlatIron Ranch Subdivision, which is proposing 1,100 additional units in the area. [Staff correction: The FlatIron Ranch proposal is for approximately 622 units.]

**John** stated Staff recommended approval of the subdivision subject to conditions in the Staff Report. He entered the Staff Report into the record. (See Attachment E, Silverado Heights Staff Report)

- (ii) Three Minute Rule Waiver Requests

There were none.

- (iii) Public Comment on the Subdivision

(a) Persons in Favor

**Becky Weaver**, PCI, said she wanted to address communications between the review engineer and the Planning Department. She said she did not know if Staff received the revised grading and drainage plan because Conditions 7, 10, and 13 in the Staff Report are all addressed in that plan. She said that conditioning in items which are already proposed just makes extra work for the developer at the time of final plat. She requested the removal of Conditions 7, 10, and 13. She said that the applicant already proposed a \$250 school contribution and wants to have Condition 6 rewritten to say that only the residential lots should pay, since the commercial lots will not impact the school. She said in regards to Condition 5, the developer should not be penalized for future development. She said they tried to plan for road conductivity by

constructing a hammerhead in the center of the easement, but said the legal status of the eastern easement was undefined, so she placed the hammerhead solely on the developer's property. She said she does not want to debate the intent of AASHTO, but noted that the applicant is meeting the rules on road design. She said that in regards to parking and emergency vehicle access, she does not see many people parking on the roads in similar subdivisions although she has agreed to place no parking signs on the road. She also said the old road standard would have been 24', but WGM has recommended 28', which she feels is excessive. She said the type of commercial businesses has not been established yet, but the proposal will include parking lots within them. She said the likelihood of on-street parking is low unless they construct a wide road. She asked for the removal of Condition 5.

(b) Persons Opposed

There were none.

(c) Rebuttal

There was none.

(d) Close: Public Comment

(iv) Board Deliberation on the Subdivision Proposal

(a) Board discussion and questions

**Chip** said that he looked up the amount of trips per day for residential and commercial businesses and road widths required by AASHTO and said that even commercial/industrial roads only require 21 feet. He said Staff changed the requirement because they received an email from WGM which suggested it. He said commercial buildings cannot receive permits without adequate parking on-site. He thought the road width was excessive and recommended 18 feet for residential and 21 feet for commercial.

**Dan** said he noticed a wheel line on the property and asked if there were ever water rights or ditches with which they were associated.

**Becky** said that the water rights were transferred to the property to the north and that Daly Ditches provided the water. She also noted that the new lots would use wells.

**Ben** said that more than 50 percent of the land is prime agricultural land. He said he was concerned about putting one acre lots on prime agricultural land because the farmland would disappear.

**Lori** said there was no irrigation so they could not grow anything anyway.

**Becky** said the water rights were removed prior to the sale to her client.

**Les** asked how large the property was to the north.

**Lori** said about 60 acres.

**Ben** said that he thought agricultural land could not be incorporated into Hamilton. He did not agree with page seven of the Staff Report and said he opposed the subdivision because it is on agricultural land.

**Chip** said that most of the communities in the valley are on the valley floor and so is most of the agricultural land. He said the subdivision is within ½ mile of Hamilton city limits and the area would be serviced by the city. He said the Board is always trying to keep development closer to towns.

**Ben** suggested that zoning would help to decide what is saved and what is not saved.

**Dan** agreed with Chip that it is unfortunate that prime agricultural land is so close to town.

**Chip** motioned that the subdivision be approved based on findings of facts and conclusions of law in the Staff Report, with the following changes: removal of Conditions 7, 10, and 13; that Condition 6 state that a \$250 contribution be made to the Hamilton School District for each residential lot; and that Condition 5 be amended to reflect the road design as initially proposed (18-foot wide travel surface with two-foot shoulders on each side).

**Gary** seconded the motion.

**Renee** said that Staff usually adds Conditions 7, 10, and 13 because it helps as a final plat checklist. She said she has never heard a request for fewer conditions.

**Becky** said that in Missoula County the goal is to reduce the number of conditions. She added that what the developer's propose is what they are required to do before final plat. She suggested rolling them into a condition which says that the final plat has to meet what is in preliminary plat.

**Chip** said reducing conditions will save time for Staff and the development community because fewer items mean less response time.

(b) Board Action

(1) Review of the Subdivision Proposal against the Six Criteria

The Board did not review the Six Criteria beyond their discussion and findings with the Staff Report.

(2) Board Decision on the Subdivision Proposal

The vote was called; the members voted (5-1) to approve the Subdivision with conditions. (See Attachment F, Silverado Heights Vote Sheet)

8. Close Public Hearing

## 9. Plat Evaluation

### (A) Squires Estates (Ede) Major Subdivision

- (i) Presentation by Terry Nelson, Applebury Survey

**Terry Nelson** outlined the subdivision. He said the proposal is for 9 lots on 20 acres with an existing house and shop. He said they had previously proposed variances for accesses, but the Commissioners wanted an interior road. He noted that after meeting with the Commissioners, he pulled the subdivision out of the process and designed an interior road. He said now the 5-acre lots are 2 ½-acre lots. He said there are currently 2 accesses onto the property and no variance requests.

- (ii) Public Comment

There was none.

- (iii) Board Discussion and Questions

**Chip** asked the standard for the low-volume road.

**Terry** said it was a 20-foot wide paved surface. He said it was submitted under the old regulations and they were going to ask to be under the new regulations, but did not want to go through WGM.

**Les** asked about the accesses.

**Terry** said there are two permitted accesses, although Squires Lane is low volume. He said Airport Road has more traffic.

**Les** said Squires Lane from Wind Dancer Road to Airport Road is gravel and that it will be heavily-traveled.

**Terry** said that the pro-rata share will apply to that.

**Dan** asked about irrigation.

**Terry** said they are irrigated through an irrigation ditch which will be piped and run down to the houses. He said the ditch is through BRID and the water will be gravity fed to the lot and will travel with a small pump.

**Dan** asked if the diversion of water will be from the original parcel. He recommended an irrigation plan so that the lots will stagger usage. He said if every lot irrigated at the same time, the water would not be sufficient.

**Terry** said that ditch companies own the water rights now and send approval to Staff.

**Terry Ede** said he spent time with BRID and they said the lot has almost 39 inches of water. He said there were less than 3 inches per lot if they stagger usage, but

each lot could have 1 ½ inches all the time. He said he can foresee writing an irrigation agreement.

**Dan** asked if the water traveled beyond the property.

**Terry** said it did not.

**Les** asked if there would be a no-build zone by the slope.

**Terry** said there will not be because the drop is to the east of the property.

**Ben** said he noted the land had severe soils. He asked if there was any prime agricultural land.

**Terry** said there was not. He said there were some hydric soils due to poor irrigation, but the soil maps were created in the 1950s, when that area was flood irrigated. He said the lot still has severe soils due to the depth of groundwater.

## 10. Additional Discussion on Pro-Rata with James McCubbin, County Deputy Attorney

**Ben** requested that James be part of the discussion. He explained that the Bundys were performing a 4-lot subdivision with 3 existing homes and requested a variance from paying the pro-rata share for the lot with an existing house. He said that if subdivision is based on saleable lots, it should not matter whether the structure exists or not. He said there should not be a benefit to building prior to subdivision.

**James** said there are two questions to address: (1) How does pro-rata apply? and (2) Is this property eligible for a variance? He said in regards to the first question, when last year's subdivision regulations were revised, they added the term "units" for subdivision for lease or rent. He noted that other subdivisions just deal with "lots." He said the County addresses lots, not building permits, so the County does not address structures that might exist someday. He said the County can do things to regulate where a house can be built, but the intent is to make the lot safe, not the building. He said pro-rata does apply in this situation, even for multiple homes. He said these lots are an existing illegal subdivision and that for a long time that provision of the law was ignored. He said the second question is for the Board to decide upon and advise the County Commissioners, based on the variance criteria. He said expense is not one of the criteria, but depends on unique facts. He said they need to look at all the criteria and make a finding.

**Ben** asked how fairness played into the issue of the residents paying taxes for many years. He said pro-rata is like a "pseudo" impact fee to deal with roads and the question of impact fees does not come up unless people subdivide.

**James** does he does not see how that affects anything. He said they are bare lots that will be paying taxes in the future. He said the justification of pro-rata is that paying taxes does not cover the full impact of having a lot there.

**Chip** asked if there can be additional impacts on a capital facility without a change in use.

**James** said it was a loaded question that mixed analysis associated with impact fees with the mitigation provided for in the subdivision regulations for creating lots. He said they are parallel and have similar concepts, but are not the same. He noted that impact fees are

limited to the expansion of capital facilities and charges for effects of subdivisions are not limited to expansion on capital facilities. He said that increased maintenance is a justification for charging pro-rata fees.

**Chip** asked if there can be increased maintenance charges without a change in use.

**James** said that a change in use occurred at some point, and they did not pay pro-rata then.

**Chip** said that eleven years ago the County did not have that system.

**James** said that could be a factor for variance criteria. He noted that if the applicant is going through the process to make it legal, that is something to take into account.

**Chip** said the property did not used to be called a subdivision and that the Bundy's property and any property with guest houses have a change of property use without a physical line drawing.

**James** said that legally, additional houses have always been a subdivision, although people have not treated them as such or enforced them.

**Chip** said he is not debating whether it is a subdivision. His point is that what triggers impact fees is a change in use, not drawing a new line on a plat. He said the applicant changed use so he or she goes through subdivision review, although they do not get a new plat or parcel. He argued that there is no change in use to trigger pro-rata or impact fees.

**James** said the debate is not over whether pro-rata applies, but how the variance criteria apply. He said this issue is for the Board to analyze and he recommended phrasing arguments in terms of the variance criteria.

**Dan** said it was clear pro-rata applied or there would be no need for the variance.

**James** said the developer is treating it like it applies.

**Lori** said that the majority of the Board recommended the developer to come back to the Board with a variance.

**James** said sometimes it is unfortunate that the Board has to deny variances, but notes that the Board did not have the application at that time and the Board cannot decide until they have all the facts.

**Ben** said that in his view, the issue is not whether there is a change in use today, but that the change of use was 11 years ago. He said there was pro-rata when he moved here 7 years ago and he suspects it was in place 11 years ago as well.

**Lori** said pro-rata was cheaper back then. She commented that constructing a second house without subdivision review was not considered illegal at the time. She said it was as simple as obtaining a septic permit.

**James** said that technically, it is an illegal subdivision, but that does not imply wrongdoing or criminal activity.

**Chip** said the subdivision was created prior to the new interpretation of the old law.

**James** said that there was no contrary interpretation of the law, and instead noted that no one was paying attention to that part of the law.

**Karen** said that the subdivision for lease or rent concept was there and that RV and Mobile home parks had to go through the process all along.

## 11. Communications from Staff

**Karen** said that there are three candidates for the Planning Director position and the Commissioners will choose the new director next week.

She noted that the County submitted a CARDD grant to the DNRC last Friday for the amount of \$100,000 to obtain one-foot contours in digital format countywide. She said they asked for the limit of the grant, but it will only cover the upper half of the valley. She said they are looking for alternative funding sources for the lower half, because the information would benefit a wide variety of people.

**Chip** asked if the information would be available to the public and/or posted on the web.

**Karen** said the contour information would be handled much like the aerial photography information is handled now. She thought the data set is too large to post to the website, but the public could buy information. She said Staff would have to spend time in technical work to make the information available to the public. She also said that the intent of user fees is not to make a profit, and that she will discuss the matter with Ken Miller of the GIS Department.

She said the Commissioners had a meeting with interested people from Lone Rock School District and Three Mile Fire District to set up an impact fee advisory committee. She noted the Districts wanted a commitment that if they paid for a study, that the Commissioners would adopt the impact fees. The Commissioners said they could not agree to that, but agreed to set up a committee, which will include a CPA and a member of the development community. She also said Paul Tischler will do a follow up workshop on impact fees on June 13, 2006, at 2 p.m.

She noted that she will give the County Commissioners an update on the Planning Department on May 24, 2006 at 11:00 a.m. She said they provide periodic updates to the Commissioners, and the focus of this presentation will be scope of work and timelines for subdivision regulation revision and countywide zoning.

She said the Planning Board's Land Use Committee will meet Thursday at 3:30 p.m.

She also invited the members to attend the Right to Farm and Ranch Ag Study Community Meeting on May 25, 2006, at 7:00 p.m. She said the Planning Department & John Horwich will discuss subdivision review and the growth policy.

**Renee** said that members of the Planning Department met with the Corvallis School District, Corvallis Civic Club, Corvallis Sewer District, and Corvallis Fire District earlier this week. Members of these organizations had requested planning assistance, but she noted that they might not be ready for planning yet. She said they did decide to hold another meeting and to invite all the public to attend. The next meeting will be held at the Corvallis High School Library on June 19, 2006, at 7 p.m.

## **12. Communications from Public**

There were none.

## **13. Communications from Board**

**Les** said he was unable to attend the Lake County Zoning Presentation. He asked for a summary of the meeting.

**Karen** said Sue Shannon gave a short presentation and spent most of the time on questions. She noted that Lake County focused on density, not any other land use issues. She said their zoning regulations were about 15 pages long and were easy to read. She said Lake County created their zoning because they were using these guidelines as policy in subdivision review. She noted that their zoning has to be reviewed in a year and then every 5 years thereafter. She said the Lake County Commissioners asked their staff to do the base research and create an initial density map; Staff took the map to the Planning Board and then started the public process. She said the process went very smoothly, although some people did not like all the zoning provisions. She had invited Lake County here to see why they only addressed density, how well their zoning worked, and what they learned. She also explained that parcels of the wrong size are grandfathered in and that cluster development is rewarded with bonuses. She said that they also used community growth areas, which encourage as high a density as can be supported by water and sewer.

**Ben** noted that there were significant issues with tribal land.

**Renee** said that Lake County does not have jurisdiction over tribal lands.

**Karen** noted that the tribe wanted more control over private land in the valley and the County had to eventually compromise to make the zoning politically palatable.

**Ben** said that some lands were on the reservation but privately owned. He said the concept of swapping development rights was interesting.

**Chip** noted that development rights could not be swapped in both directions because density has to be closer to the urban areas.

## **14. New Business**

(**Lori Schallenberger** left the meeting at 4:45 p.m., ending the quorum.)

**Dan** asked where Legacy Ranch was in the subdivision process.

**Renee** said it was in the first round of sufficiency review.

**Dan** noted that he would have to recuse himself from the Legacy Ranch meetings because he had meetings with the developer and the Lee Metcalf Wildlife Refuge. He did not want to make the County liable for a lawsuit because he met privately with the parties. He noted that when he reviewed the matter with George Corn in the beginning, George recommended that he attend the meeting, and Dan volunteered to recuse himself.

**Ben** said he recently attended a Park Board meeting which was not public. He said he also called George and he was told that depending on what was happening, to walk away or recuse himself. He noted that there was nothing in the meeting to cause a conflict of interest.

**Chip** said that conflicts of interest are not conflicts if there are no financial ties.

**Les** noted that Patrick O'Herren told the Board that if members attend another meeting, they have to inform the entire Board of what happened at that meeting.

**Karen** asked if the Board would like to have this discussion with an attorney present.

The **Board** agreed.

**Gary** wanted to know why he could not attend public meetings since it is part of his job on the Board to be involved and informed.

**Karen** agreed to have an attorney come talk about these issues.

## 15. Old Business

There was none.

## 16. Next Regularly Scheduled Meeting: June 7, 2006 at 7:00 p.m.

- (A) Squires Estates (Ede) Major – Public Hearing
- (B) Sunnyside Orchards No. 4, Block 18, Lot 5C (Wilton) Subsequent Minor – Public Hearing

## 17. Adjournment

**Dan** adjourned the meeting at 5:06 p.m.